

Message Text

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DRAFTED BY L/SFP:LGFIELDS,JR:NMC

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EA/PHL - A. SWIFT

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FM SECSTATE WASHDC

TO AMEMBASSY MANILA

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E.O. 11652: N/A

TAGS: PFOR, RP

SUBJECT: STATUS REPORT OF LECHOCO CASE

REF: MANILA 10824

1. PER REQUEST REFTEL DEPT WISHES ADVISE THAT GOVERNMENT FILED ITS SENTENCING MEMORANDUM AUGUST 4, 1975 (COPY BEING POUCHED) IN WHICH IT URGES "THE COURT TO IMPOSE A MEANINGFUL TERM OF IMPRISONMENT UPON THE DEFENDANT WHICH WOULD BE APPROPRIATE FOR THE SERIOUS OFFENSES COMMITTED AND WHICH WOULD ASSURE THE DIPLOMATIC COMMUNITY BOTH HERE AND ABROAD OF THIS GOVERNMENT'S CONTINUING INTEREST IN THE SAFETY AND WELL-BEING OF OUR OWN AS WELL AS FOREIGN OFFICIALS." DEPT WAS CONSULTED IN PREPARATION OF MEMORANDUM AND CONSIDERS IT TO BE PERSUASIVE AND SOUND. THE MEMORANDUM CITED THAT THE VIEWS OF THE DEPT ARE REFLECTED IN THE MEMORANDUM INASMUCH AS THEY ARE IMPORTANT INTERNATIONAL RAMIFICATIONS OF THIS CASE.

2. COUNSEL FOR LECHOCO IS EXPECTED TO FILE A REPLY MEMORANDUM WITH THE COURT DURING WEEK OF AUGUST 11. A COPY WILL ALSO BE POUCHED WHEN AVAILABLE TO THE DEPT. IT IS LIMITED OFFICIAL USE

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ANTICIPATED THAT A SENTENCING DATE WILL BE SET AROUND

AUGUST 20TH. ONCE SENTENCING IS PASSED THERE IS LITTLE DOUBT THAT LECHOCO WILL FILE AN APPEAL TO THE U.S. CIRCUIT COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA. IT WILL BE IN THE DISCRETION OF THE DISTRICT COURT WHETHER TO PERMIT LECHOCO TO REMAIN FREE ON HIS OWN RECOGNIZANCE PENDING APPEAL AND UNLESS THERE IS SOME AFFIRMATIVE EVIDENCE THAT HIS FREEDOM WILL POSE A THREAT TO THE PHILIPPINE EMBASSY OR SOCIETY AT LARGE, OR THAT THERE IS REASON TO BELIEVE THAT THE DEFENDANT WILL FLEE. U.S. ATTORNEY WILL ASK FOR INCARCERATION IMMEDIATELY, BUT PROSPECTS ARE NOT CONSIDERED GOOD IN VIEW OF PROVISION OF FEDERAL BAIL REFORM ACT AND FACT THAT COURT CONTINUES TO HAVE CUSTODY OF LECHOCO'S PASSPORT. TAKING ALL OF THIS INTO ACCOUNT, IT IS LIKELY THAT LECHOCO WILL BE ALLOWED TO REMAIN FREE ON HIS PERSONAL BOND.

3. HE REMAINS IN THE EMPLOY OF THE COUNTY ATTORNEY'S OFFICE, PRINCE GEORGES COUNTY, MARYLAND. THUS, IT IS DIFFICULT TO IMAGINE THAT HE WILL BE ALLOWED TO FILE AN APPEAL IN FORMA PAUPERIS. THE COST OF SUCH AN APPEAL CAN BE SUBSTANTIAL AND HE HAS ALREADY INCURRED FORMIDABLE EXPENSES FOR HIS REPRESENTATION DURING THE TRIAL. THIS COULD, OF COURSE, AFFECT HIS INCLINATION TO APPEAL HIS CONVICTION, HOWEVER, NO ONE SERIOUSLY DOUBTS THAT HE WILL PASS UP THE OPPORTUNITY TO EXTEND "HIS DAY IN COURT."

4. DEPT WILL KEEP EMBASSY FULLY ADVISED OF ALL FUTURE DEVELOPMENTS IN THIS CASE.

KISSINGER

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